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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,536

02/15/2006

Rodolfo Noto

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22852

7590

01/22/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

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EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/532,536

**Applicant(s)**

NOTO ET AL.

**Examiner**

Adrienne C. Johnstone

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 15-30 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s) Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

1) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings on an elastomer material substrate, the elastomer material substrate being reinforced with fibers, the cord windings having a constant pitch and the substrate having thickness variation depending on radial height;

2) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings on an elastomer material substrate, the elastomer material substrate *not* being reinforced with fibers, the cord windings having a constant pitch and the substrate having thickness variation depending on radial height;

3) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings on a non-elastomer material substrate, the cord windings having a constant pitch and the substrate having thickness variation depending on radial height;

4) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings on an elastomer material substrate, the elastomer material substrate being reinforced with fibers, the cord windings having a pitch variation depending on radial height and the substrate having substantially constant thickness;

5) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings on an elastomer material substrate, the elastomer material substrate *not* being reinforced with fibers, the cord windings having a pitch variation depending on radial height and the substrate having substantially constant thickness;

6) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings on a non-elastomer material substrate, the cord windings having a pitch variation depending on radial height and the substrate having substantially constant thickness;

7) a pneumatic tire whose at least one reinforcing layer is a layer of elastomer material reinforced with fibers on an elastomer material substrate, the elastomer material substrate being reinforced with fibers;

8) a pneumatic tire whose at least one reinforcing layer is a layer of elastomer material reinforced with fibers on an elastomer material substrate, the elastomer material substrate *not* being reinforced with fibers;

9) a pneumatic tire whose at least one reinforcing layer is a layer of elastomer material reinforced with fibers on a non-elastomer material substrate;

10) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings without a substrate, the cord windings having a constant pitch;

11) a pneumatic tire whose at least one reinforcing layer is a plurality of cord spiral windings without a substrate, the cord windings having a pitch variation depending on radial height;

12) a pneumatic tire whose at least one reinforcing layer is a layer of elastomer material reinforced with fibers without a substrate;

13) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers on an elastomer material substrate, the

elastomer material substrate being reinforced with fibers, the cord windings having a constant pitch and the substrate having thickness variation depending on radial height;

14) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers on an elastomer material substrate, the elastomer material substrate *not* being reinforced with fibers, the cord windings having a constant pitch and the substrate having thickness variation depending on radial height;

15) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers on a non-elastomer material substrate, the cord windings having a constant pitch and the substrate having thickness variation depending on radial height;

16) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers on an elastomer material substrate, the elastomer material substrate being reinforced with fibers, the cord windings having a pitch variation depending on radial height and the substrate having substantially constant thickness;

17) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers on an elastomer material substrate, the elastomer material substrate *not* being reinforced with fibers, the cord windings having a pitch variation depending on radial height and the substrate having substantially constant thickness;

18) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers on a non-elastomer material substrate, the cord windings having a pitch variation depending on radial height and the substrate having substantially constant thickness;

19) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers without a substrate, the cord windings having a constant pitch;

20) a pneumatic tire whose at least one reinforcing layer is an assembly of a plurality of cord spiral windings and elastomer material reinforced with fibers without a substrate, the cord windings having a pitch variation depending on radial height.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:
  - 1) claims 15-23 and 25-30;
  - 2) claims 15-19, 21-23, and 27-30;
  - 3) claims 15-18, 21-23, and 27-30;
  - 4) claims 15-22 and 24-30;
  - 5) claims 15-19, 21, 22, 24, and 27-30;
  - 6) claims 15-18, 21, 22, 24, and 27-30;
  - 7) claims 15-20 and 25-30;

- 8) claims 15-19 and 25-30;
- 9) claims 15-18 and 25-30;
- 10) claims 15-17, 21, 22, and 27-30;
- 11) claims 15-17, 21, 22, and 27-30;
- 12) claims 15-17 and 25-30;
- 13) claims 15-23 and 25-30;
- 14) claims 15-19, 21-23, and 25-30;
- 15) claims 15-18, 21-23, and 25-30;
- 16) claims 15-22 and 24-30;
- 17) claims 15-19, 21, 22, and 24-30;
- 18) claims 15-18, 21, 22, and 24-30;
- 19) claims 15-17, 21, 22, and 25-30;
- 20) claims 15-17, 21, 22, and 25-30.

The following claim(s) are generic: claim 15.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the subject matter of generic claim 15 common to all of the species does not distinguish over the prior art, as evidenced by Peda (6,044,884) (embodiments of Figures 1 and 3, col. 3 lines 61-65, col. 4 lines 45-65, col. 5 lines 30-52: Figures 1 and 3 clearly depict the ratio  $f/H$  of the shoulder drop  $f$  to the section height  $H$  within the broadly claimed range of less than 0.2) and West German Patent Application 28 23 774 A1 (embodiment of Figures 1 and 2, which clearly depict the ratio  $f/H$  of the shoulder drop  $f$  to the section height  $H$  within the broadly claimed range of less than 0.2) for example, and therefore cannot serve as a common special technical feature.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 1:00PM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1791

Adrienne Johnstone

/Adrienne C. Johnstone/

January 16, 2009